



Original U.S. Patent No. 5,634,706

Serial No. 09/323,636

Applicant - James E. Barry

Art Unit (Examiner) - 2875 (Quach)

Title: ILLUMINATED GAS TANK OR SHELL

at least a partially transparent body member adapted for attachment to the gasoline tank or hollow body shell, and

an illumination member operatively associated with said body member;

wherein said illumination member provides light to illuminate an adjacent area.

27. (Once Amended) A gasoline tank or hollow body shell disposed where a conventional gasoline tank is normally disposed, comprising:

a non-transparent body member ~~shaped as a gasoline tank~~; and

an illumination member associated with said body member.

RECEIVED
JUN 19 2000
TC 2800 MAIL ROOM

REMARKS

This Amendment is responsive to the Office Action dated December 10, 1999. In that Action, the Examiner requested a supplemental oath/declaration and a replacement specification. Claims 20 and 22 to 25 were rejected under 35 U.S.C. §112, second paragraph. Claims 17, 18, 21 to 23 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Lansing. Claims 17, 19, 21, 22, 24 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Tipton. Claims 17 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Udell. Claims 22 and 25 to 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Carlson. Claims 1 to 16 were allowed. Applicant wishes to express his appreciation for the allowance of claim 1 to 16. As to the rejected claims, Applicant respectfully traverses the Examiner's rejections and offers the foregoing amendments and following remarks in support

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL



RECEIVED
JUN 19 2000
TC 2800 MAIL ROOM

thereof.

Claims 17-23, 26 and 27 have been amended. No new matter has been inserted. Claims 1-27 remain pending in the application.

The claims have been amended to overcome all Section 112 rejections. With these amendments, Applicant still relies on its definition of gasoline tank in the specification.

Claims 17, 18, 21 to 23 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lansing. Lansing discloses a lamp used with an umbrella. It is axiomatic that in a proper '102 rejection, every step or element of the invention as claimed must be contained in the cited reference. Claims 17 and 22 now claim that the body member is shaped as a gasoline tank. Lansing fails to disclose this element, and thus fails as a proper '102 reference. Accordingly, Applicant respectfully traverses the Examiner's rejection of claims 17, 18, 21 to 23 and 25 under 35 U.S.C. §102(b) as being anticipated by Lansing.

Claims 17, 19, 21, 22, 24 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tipton. Similarly, to the above arguments, independent claims 17 and 22 now claim that the body member is shaped as a gasoline tank. Tipton fails to disclose this element, and thus fails as a proper '102 reference. Accordingly, Applicant respectfully traverses the Examiner's rejection of claims 17, 19, 21, 22, 24 and 25 under 35 U.S.C. §102(b) as being anticipated by Tipton.

Claims 17 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Udell. Again similar to the above arguments, claim 17 now claims that the body member is shaped as a

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

gasoline tank. Udell fails to disclose this element, and thus fails as a proper '102 reference. Accordingly, Applicant respectfully traverses the Examiner's rejection of claims 17 and 20 under 35 U.S.C. §102(b) as being anticipated by Udell.

Claims 22 and 25 to 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Carlson. Carlson is concerned with illuminating a transparent gasoline tank to allow the rider to determine when he or she is low on gasoline.

Claim 22 now states that the illumination member illuminates a surrounding area associated with the vehicle. Carlson fails to disclose such illumination, and in fact teaches away from Applicant's claimed invention. Carlson states that the "intensity of illumination produced by lamp 44 is sufficiently low so that it does not interfere with the rider's forward vision or with his night adaptation." (Emphasis Added) Col. 3, lines 6-9. Thus, Carlson does no more than illuminate the gasoline tank. Applicant's claimed invention illuminates the adjacent surrounding areas to improve the rider's visibility.

Claim 26 now claims that the body member of the illumination device is partially transparent. Thus, Applicant's invention allows light to pass to the surrounding areas. Carlson's body member is not transparent, as it acts as light pipe, directing the light to the gasoline tank.

Claim 27 now claims that the non-transparent body member is shaped as a gasoline tank. Carlson's gasoline tank is required to be transparent, to allow the rider to view the gasoline contents disposed within the tank.

Thus, in view of the above amendments, Carlson fails as a proper '102 reference.

Original U.S. Patent No. 5,634,706
Serial No. 09/323,636
Applicant - James E. Barry
Art Unit (Examiner) - 2875 (Quach)
Title: ILLUMINATED GAS TANK OR SHELL

Accordingly, Applicant respectfully traverses the Examiner's rejection of claims 22 and 25 to 27 under 35 U.S.C. §102(b) as being anticipated by Carlson.

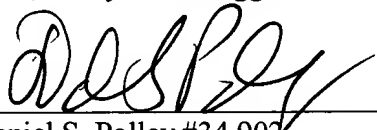
It is respectfully believed that the claims are in condition for allowance, and Applicant respectfully requests action to that end.

Applicant is also enclosing a supplemental declaration signed by the Applicant, and a replacement specification as required by the Examiner. A Notice of Address Change for the undersigned attorney and his law firm is also enclosed. Applicant has completely responded to the Office Action dated December 10, 1999.

In order to facilitate prosecution of this application, the Examiner is respectfully requested to contact the undersigned with any comments or suggestions the Examiner may have.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,
Malin, Haley & DiMaggio, P.A.

By 
Daniel S. Polley #34,902
1936 South Andrews Avenue
Ft. Lauderdale, FL 33316
(954) 763-3303

I:\8688\AMEND\6808.004(1stOffActAmend)